



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

June 27, 2007

Joe Lewis
Eastern Municipal Water District
2270 Trumble Road
PO Box 8300
Perris, CA 92572

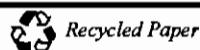
**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE SAN JACINTO RIVER INTEGRATED RECHARGE AND
RECOVERY PROJECT, CITY OF SAN JACINTO (ACOE REFERENCE NO.
200401197 – DPS)**

Dear Mr. Lewis:

On February 16, 2007, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification), submitted on your behalf by HELIX Environmental Planning, Inc., for your proposal to utilize portions of the San Jacinto River for the recharge of water from the State Water Project. On April 4, 2007, we received the final Environmental Impact Statement prepared for the U.S. Army Corps of Engineers (Corps). This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) and subsequent Basin Plan amendments:

Project Description:	Construction of 35-acres of groundwater recharge basins, located along the south levee of the San Jacinto River, associated pipelines, extraction and monitoring wells, and other infrastructure. The basins will be constructed by grading the River's streambed into berms to contain the water; there will be no import or export of fill material. The berms will be constructed such that they are subject to complete washout in order to prevent overtopping the levees. Recharged water will come from the Bay-Delta Area as part of the State Water Project. The project includes follow-on maintenance of the berms and of the infiltration rates of the affected streambed, including the removal of vegetation that would otherwise evapotranspire the water. The project is part of a Settlement Agreement and
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California Environmental Protection Agency



subsequent agreements, to settle longstanding claims made by the Soboba Band of Luiseño Indians, and is funded in part by a grant from the Department of Water Resources. The project is located in an un-sectioned portion of Townships 4 and 5 South, Range 1 East, of the U.S. Geological Survey *San Jacinto, California*, 7.5-minute topographic quadrangle map (33 deg. 46 min. 30 sec. North/-116 deg. 55 min. 00 sec. West).

Receiving water: San Jacinto River.

Fill area: 15.9 acres of permanent impact and 0.07 acres of temporary impact to streambed (3,460 linear feet total).

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Individual Permit.

You have proposed to mitigate water quality impacts as described in your Certification application. The proposed mitigation is summarized in part below:

Onsite Water Quality Standards Mitigation Proposed:

- Silt fences, fiber rolls, and other erosion source control and treatment best management practices (BMPs) will be employed. Additional BMPs will be identified in the project Storm Water Pollution Prevention Plan (SWPPP).

Offsite Water Quality Standards Mitigation Proposed:

- An in-lieu fee will be paid to the Riverside County Regional Parks and Open Space District towards the eradication of 8-acres of invasive plant species in the Santa Ana River.
- 117-acres of land, within three conservation areas identified by the Fish and Wildlife Service, will be preserved and managed, in part, for the conservation of habitat for the Stephens Kangaroo Rat. The conservation areas include the preservation of portions of the San Jacinto River and its floodplain.

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. Appropriate Best Management Practices will be implemented to reduce construction-related impacts to Waters of the State. This



project affects an area that is more than one acre. Therefore, coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 99-08 DWQ, is required.

De-watering discharges from the proposed project may be regulated under Regional Board Order No. R8-2003-0061, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimis) Threat to Water Quality. For more information, please review Order No. R8-2003-0061 at www.waterboards.ca.gov/santaana/pdf/03-61.pdf.

The discharge of pollutants in State Water Project water may be subject to waste discharge requirements. Please submit a report of waste discharge, or other mutually agreed-upon documentation, to the attention of Jun Martinez, Chief of the Permitting Section, for consideration.

You have applied for an individual permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. You have applied for a Streambed Alteration Agreement with the California Department of Fish and Game. Pursuant to CEQA, the Eastern Municipal Water District certified an Environmental Impact Report on August 9, 2004. The Executive Officer has considered the District's Environmental Impact Report in the issuance of this Certification.

This 401 Certification is contingent upon the execution of the following conditions:

- 1) An in-lieu fee shall be paid to either the Riverside County Regional Parks and Open Space District or the Santa Ana Watershed Association towards the eradication of 8-acres of invasive plant species in the Santa Ana River watershed. Evidence of the payment shall be provided to the Executive Officer prior to the start of excavation in waters of the U.S. but not later than January 2, 2008.
- 2) Eastern Municipal Water District shall provide evidence of the establishment of the proposed 117-acre conservation areas to the Executive Officer not later than January 2, 2008.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant



to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.

- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

Although we anticipate no further regulatory involvement, if the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, we may formulate Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

In response to a suspected violation of any condition of this certification, the Santa Ana Regional Water Quality Control Board (Regional Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate. The burden, including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance. Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. Please notify our office five (5) days before construction begins on this project.

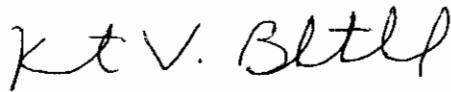
This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality



Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 200-0017-DWQ is available at www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



for GERARD J. THIBEAULT
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Dan Swenson
State Water Resources Control Board, OCC – Eric Spiess
State Water Resources Control Board, DWQ-Water Quality Certification Unit –
Nancy Dagle
California Department of Fish and Game, Ontario Office – Jeff Brandt
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Tim
Vendlinski

APF:401/certifications/san jacinto recharge & recovery 332007-09

